

JAVA Administrative Regulation 03-0109-04
Utility Relocation – Permits – Remediation



The following procedures shall be utilized in authorizing utility relocation, street closures, permits and remediation approvals for JAVA:

I. DEFINITIONS

- A. Approved Contracts shall include any previously approved written contract for site analysis (including ESA), planning, engineering, design, or construction related to any Project components that have been authorized by approval of sufficient funds in any JAVA approved budget .
- B. Estimated compensation shall mean the total amount to be paid for a permit or approval. A proposed approval shall not be split up into phases to reduce the estimated compensation.
- C. Project Manager shall mean the Antelope Valley Project Manager, or in his or her absence or unavailability the City Engineer.
- D. Chair shall mean the chair of the Joint Antelope Valley Authority, or in his or her absence or unavailability the Treasurer of the Joint Antelope Valley Authority.
- E. Project Sponsor shall mean the City of Lincoln for Transportation and Revitalization Components and the Lower Platte South Natural Resources District for Waterway components of the Amended Draft Single Plan.
- F. JAVA shall mean the Joint Antelope Valley Authority, a joint administrative entity created under the Nebraska Interlocal Cooperation Act (Neb. Rev. Stat. § 13-801 et. seq.) by agreement of April 15, 2000 as amended
- G. University shall mean the Board of Regents of the University of Nebraska, a public body corporate and governing body of the University of Nebraska.
- H. City shall mean the City of Lincoln, Nebraska, a municipal corporation in the state of Nebraska.
- I. LPSNRD shall mean the Lower Platte South Natural Resources District, a political Subdivision of the State of Nebraska.
- J. Project shall mean the projects and components thereof implemented under the JAVA Interlocal Agreement including the Phase One Priority Projects of the Antelope Valley Amended Draft Single Package

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II. ADMINISTRATIVE APPROVALS – POLICIES AND PROCEDURES

- A. The Project Manager shall determine the estimated compensation for the proposed approval. The Project Manager may negotiate, refine or request additional information regarding the approval. The Contractor shall submit written support or clarification for any requested changes.
- B. Provided there is adequate funds lawfully available in any JAVA budget related to the pertinent Approved Contract:
 - 1. Permits – the Project Manager is hereby authorized to sign, execute and submit for approval any related documents or forms required for applicable permits, planning approvals or regulatory review.
 - 2. Utility Relocation – including applicable utility terminations, vacations or extensions:
 - a. Not more than \$50,000—the Project Manager is hereby authorized to negotiate for and approve contracts for utility relocation with the pertinent utility involved with such Approved Contract which individually or together with previous approvals for the same to date has the cumulative amount of not more than \$50,000.
 - b. Over \$50,000 – Upon the recommendation of the Project Manager, the Chair is hereby authorized to negotiate for and approve contracts for utility relocation with the pertinent utility involved with such Approved Contract which individually or together with previous approvals for the same to date has the cumulative amount of more than \$50,000.
 - 3. Remediation
 - a. Not more than \$50,000—the Project Manager is hereby authorized to negotiate for and approve contracts with qualified professional contractors for remediation services involving soils or other surface or subsurface conditions related to any Approved Contract which individually or together with previous contracts for the same to date has the cumulative amount of not more than \$50,000.
 - b. Over \$50,000 – Upon the recommendation of the Project Manager, the Chair is hereby authorized to negotiate for and approve contracts with qualified professional contractors for remediation services involving soils or other surface or subsurface conditions related to any Approved Contract which individually or together with previous contracts for the same to date has the cumulative amount of more than \$50,000.

III. EXEMPTIONS AND ADMINISTRATION

- A. The procedure established above do not apply:

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1. In any case where the Chair determines that the best interests of JAVA warrant immediate approval, provided that any contract exceeding \$50,000 is subject to ratification by the JAVA board.
 2. Notwithstanding any exemption, the determination of compensation to be paid for such services shall be negotiated by the Project Manager or Chair as appropriate.
- B. Nothing in this administrative regulation shall be interpreted to authorize approvals or contracts for the purchase of goods, materials, or other items that are required to be competitively bid by applicable law or regulation.
- C. In the event of a conflict between the procedures herein and applicable federal or state requirements, the applicable state or federal regulations shall apply.